



JAMES A. NOYES, Director

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IN REPLY PLEASE
REFER TO FILE: **EP-4**

June 26, 2002

TO: Each Supervisor

FROM: James A. Noyes
Director of Public Works

YEAR 2000 AB 939 COMPLIANCE - COUNTY UNINCORPORATED AREAS

The California Integrated Waste Management Board has notified us by their letter of June 14, 2002 (copy attached), that they have made a preliminary determination that the County of Los Angeles unincorporated areas have not complied with the State's waste reduction mandate of 50 percent by the year 2000 (AB 939). The Waste Board's staff recommended that the County apply for a time extension which could be granted by the State for up to three years. We strongly believe that the County is in full compliance with the requirements of State law as indicated in our report of February 20, 2002, to your Board. Therefore, we do not agree with the Waste Board's staff's preliminary findings and have asked for further clarification from them as indicated in our letter of June 18, 2002 (copy attached). The following provides an overview of our justification why their finding is not warranted.

Our Year 2000 Annual Report to the Waste Board documented our independent year 2000 diversion rate calculation of 56 percent. This was based primarily on studies conducted by our contractors in 2000. However, using the data from the State-mandated Disposal Reporting System (i.e., the disposal measurement system using data from waste haulers and landfill operators) our year 2000 waste diversion rate is calculated to be 30 percent. This is lower than the estimates of 40 percent rate in 1998 (the last year reviewed and approved by the Waste Board) and 1999. However, the Waste Board does not acknowledge the validity of our year 2000 independent diversion calculation largely because our calculation does not rely on the State's disposal measurement system.

We believe the Waste Board's staff's preliminary findings are not warranted for the following reasons:

- (a) The County has implemented virtually all programs listed in our Waste Board-approved recycling plan and has made all reasonable and feasible efforts to comply with the requirements of AB 939. We strongly believe that our programs are as effective if not

more so than other jurisdictions that the Waste Board has already determined to be in compliance.

- (b) The data from the State's disposal measurement system are unreliable as well as any diversion estimate which is based upon such data. This is an "honor" system which relies on information provided by waste haulers, transfer stations, and landfill operators. Under the open-market waste management system that currently exists, local governments have no control over the accuracy of the data provided by the waste industry. The deficiencies of the current State disposal measurement system have been brought to the Waste Board's attention many times over the last several years. On July 27, 1999, your Board adopted the Los Angeles County Integrated Waste Management Task Force's recommendations to address the disposal measurement system deficiencies and subsequently forwarded a five-signature letter to the Governor requesting the State's assistance in addressing the deficiencies. To date, the Waste Board has not incorporated an enforcement mechanism into the system to ensure the accuracy of the data--primarily due to lobbying by the waste industry. Therefore, so long as the system's deficiencies are not addressed, there is no guarantee that we will mathematically achieve and maintain a 50 percent waste reduction rate. If recent history is any indication, the disposal tonnages will continue to fluctuate wildly from year to year, thus impacting many local jurisdictions' efforts.

We strongly believe that the Waste Board must address the State disposal measurement system's deficiencies if it is to use that system as the yardstick to measure jurisdictions' mathematical compliance with the waste reduction mandates. On the other hand, to strengthen the County's control over the waste collection system in the unincorporated areas, the County will need to continue moving forward with development of a franchise system of waste collection. Also, to further increase the unincorporated area diversion rate, the County may need to impose mandatory subscription for waste collection and recycling services as well as mandatory recycling requirements for residents and businesses.

We are awaiting the Waste Board's response to our June 18 letter, and we will advise your Board upon receipt of their response.

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Attach.

cc: Chief Administrative Office, Executive Office, County Counsel